

AMENDED IN SENATE AUGUST 21, 2014
AMENDED IN SENATE AUGUST 19, 2014
AMENDED IN SENATE JUNE 26, 2014
AMENDED IN ASSEMBLY MAY 23, 2014
AMENDED IN ASSEMBLY APRIL 21, 2014
AMENDED IN ASSEMBLY MARCH 25, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1733

**Introduced by Assembly Members Quirk-Silva, Atkins, and
Maienschein**
(Coauthors: Assembly Members Achadjian, Ammiano, Bloom,
Chau, Chávez, Chesbro, Fong, Garcia, Gonzalez, Gorell,
Lowenthal, Nestande, Pan, Skinner, Stone, Ting, Waldron,
Weber, Wieckowski, Williams, and Yamada)
(Coauthors: Senators Beall, Correa, DeSaulnier, Hancock, Leno, and
Mitchell)

February 14, 2014

An act to add Section 103577 to the Health and Safety Code, and to
amend Section 14902 of the Vehicle Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as amended, Quirk-Silva. Public records: fee waiver.

(1) Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the duties as State Registrar relating to the uniform administration of provisions relating to vital records and health statistics. Existing law

requires the State Registrar, local registrar, or county recorder to, upon request and payment of the required fee, supply to an applicant a certified copy of the record of a birth, fetal death, death, marriage, or marriage dissolution registered with the official.

Existing law authorizes the issuance of certain records without payment of the fee.

This bill would, on or after July 1, 2015, require each local registrar or county recorder to issue, without a fee, a certified record of live birth to any person who can verify his or her status as a homeless person or a homeless child or youth, as defined. The bill would require a homeless services provider, as described, that has knowledge of a person's housing status to verify the person's status as a homeless person or homeless child or youth for purposes of this provision. The bill would require the State Department of Public Health to develop an affidavit attesting to an applicant's status as a homeless person or homeless child or youth, and would provide that the affidavit is sufficient verification for purposes of obtaining the certified record of live birth, as specified. By imposing additional duties on county employees, the bill would impose a state-mandated local program.

(2) Existing law authorizes the Department of Motor Vehicles to issue an identification card to any person attesting to the true full name, correct age, and other identifying data as certified by the applicant for the identification card, and authorizes the assessment of related fees.

This bill would, on and after January 1, 2016, require the department to issue, without a fee, an original or replacement identification card to a person who can verify his or her status as a homeless person or homeless child or youth, as defined. The bill would authorize a homeless services provider, as described, that has knowledge of a person's housing status to verify the person's status as a homeless person or homeless child or youth for purposes of this provision.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 103577 is added to the Health and Safety
2 Code, to read:

3 103577. (a) On or after July 1, 2015, each local registrar or
4 county recorder shall, without a fee, issue a certified record of live
5 birth to any person who can verify his or her status as a homeless
6 person or a homeless child or youth. A homeless services provider
7 that has knowledge of a person's housing status shall verify a
8 person's status for the purposes of this subdivision. In accordance
9 with all other application requirements as set forth in Section
10 103526, a request for a certified record of live birth made pursuant
11 to this subdivision shall be made by a homeless person or a
12 homeless child or youth on behalf of themselves, or by any person
13 lawfully entitled to request a certified record of live birth on behalf
14 of a child, if the child has been verified as a homeless person or a
15 homeless child or youth pursuant to this section. A person applying
16 for a certified record of live birth under this subdivision is entitled
17 to one birth record, per application, for each eligible person verified
18 as a homeless person or a homeless child or youth. For purposes
19 of this subdivision, an affidavit developed pursuant to subdivision
20 (b) shall constitute sufficient verification that a person is a homeless
21 person or a homeless child or youth. A person applying for a
22 certified record of live birth under this subdivision shall not be
23 charged a fee for verification of his or her eligibility.

24 (b) The State Department of Public Health shall develop an
25 affidavit attesting to an applicant's status as a homeless person or
26 homeless child or youth. For purposes of this section, the affidavit
27 shall not be deemed complete unless it is signed by both the person
28 making a request for a certified record of live birth pursuant to
29 subdivision (a) and a homeless services provider that has
30 knowledge of the applicant's housing status.

31 (c) Notwithstanding the rulemaking provisions of the
32 Administrative Procedure Act (Chapter 3.5 (commencing with
33 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
34 Code), the department may implement and administer this section
35 through an all-county letter or similar instructions from the director
36 or State Registrar without taking regulatory action.

37 (d) For the purposes of this section, the following definitions
38 apply:

1 (1) A “homeless child or youth” has the same meaning as the
2 definition of “homeless children and youths” as set forth in the
3 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
4 Sec. 11301 et seq.).

5 (2) A “homeless person” has the same meaning as the definition
6 of that term set forth in the federal McKinney-Vento Homeless
7 Assistance Act (42 U.S.C. Sec. 11301 et seq.).

8 (3) A “homeless services provider” ~~includes, but is not limited~~
9 ~~to:~~ *includes:*

10 (A) A governmental or nonprofit agency receiving federal, state,
11 or county or municipal funding to provide services to a “homeless
12 person” or “homeless child or youth,” or that is otherwise
13 sanctioned to provide those services by a local homeless continuum
14 of care organization.

15 (B) An attorney licensed to practice law in this state.

16 (C) A local educational agency liaison for homeless children
17 and youth designated as such pursuant to Section 11432(g)(1)(J)(ii)
18 of Title 42 of the United States Code, or a school social worker.

19 (D) A human services provider or public social services provider
20 funded by the State of California to provide homeless children or
21 youth services, health services, mental or behavioral health
22 services, substance use disorder services, or public assistance or
23 employment services.

24 (E) A law enforcement officer designated as a liaison to the
25 homeless population by a local police department or sheriff’s
26 department within the state.

27 SEC. 2. Section 14902 of the Vehicle Code is amended to read:

28 14902. (a) Except as otherwise provided in subdivisions (b),
29 (c), and (d) of this section, subdivision (c) of Section 13002, and
30 subdivision (c) of Section 14900, upon an application for an
31 identification card a fee of twenty dollars (\$20), and on and after
32 January 1, 2010, a fee of twenty-six dollars (\$26), shall be paid to
33 the department.

34 (b) An original or replacement senior citizen identification card
35 issued pursuant to subdivision (b) of Section 13000 shall be issued
36 free of charge.

37 (c) The fee for an original or replacement identification card
38 issued to a person who has been determined to have a current
39 income level that meets the eligibility requirements for assistance
40 programs under Chapter 2 (commencing with Section 11200) or

Chapter 3 (commencing with Section 12000) of Part 3 of, or Part 5 (commencing with Section 17000) of, or Article 9 (commencing with Section 18900) of Chapter 10 of Part 6 of, or Chapter 10.1 (commencing with Section 18930) or Chapter 10.3 (commencing with Section 18937) of Part 6 of, Division 9 of the Welfare and Institutions Code shall be six dollars (\$6). The determination of eligibility under this subdivision shall be made by a governmental or nonprofit entity, which shall be subject to regulations adopted by the department.

(d) On and after January 1, 2016, a fee shall not be charged for an original or replacement identification card issued to any person who can verify his or her status as a homeless person or homeless child or youth. A homeless services provider that has knowledge of the person's housing status may verify the person's status for purposes of this subdivision. A determination of eligibility pursuant to this subdivision shall be subject to regulations adopted by the department. A person applying for an identification card under this subdivision shall not be charged a fee for verification of his or her eligibility.

(e) All fees received pursuant to this section shall be deposited in the Motor Vehicle Account.

(f) For purposes of this section, the following definitions apply:

(1) A "homeless child or youth" has the same meaning as the definition of "homeless children and youths" as set forth in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

(2) A "homeless person" has the same meaning as the definition set forth in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

(3) A "homeless services provider" ~~includes, but is not limited to;~~ *includes:*

(A) A governmental or nonprofit agency receiving federal, state, or county or municipal funding to provide services to a "homeless person" or "homeless child or youth," or that is otherwise sanctioned to provide those services by a local homeless continuum of care organization.

(B) An attorney licensed to practice law in this state.

(C) A local educational agency liaison for homeless children and youth designated as such pursuant to Section 11432 (g)(1)(J)(ii) of Title 42 of the United States Code, or a school social worker.

1 (D) A human services provider or public social services provider
2 funded by the State of California to provide homeless children or
3 youth services, health services, mental or behavioral health
4 services, substance use disorder services, or public assistance or
5 employment services.

6 (E) A law enforcement officer designated as a liaison to the
7 homeless population by a local police department or sheriff's
8 department within the state.

9 (F) Any other homeless services provider that is qualified to
10 verify an individual's housing status, as determined by the
11 department.

12 SEC. 3. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.